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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/662,432

09/13/2000

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MTS-3205US

9059

7590

11/24/2004

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EXAMINER

LEVITAN, DMITRY

ART UNIT

PAPER NUMBER

2662

DATE MAILED: 11/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/662,432

Applicant(s)

TAKATORI ET AL.

Examiner

Dmitry Levitan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on amendments filed 11/13/00 10/21/02 9/13/00.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-48 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 8,9,21-25 and 37 is/are allowed.
- 6) ☒ Claim(s) 1-7,10-20,26-36 and 38-48 is/are rejected.
- 7) ☒ Claim(s) 30 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 September 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 5.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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Amendments, filed 11/22/00 and 10/24/02, have been entered. Claims 1-48 remain pending.

Specification

1. The disclosure is objected to, because abbreviations or acronyms PID and LSI are cited throughout the specification without explanation. Applicant should provide a full explanation for the acronyms at least at their first occurrence in the specification.
2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Drawings

3. Figures 9 and 10 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.121(d)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 101

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

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Claims 15-20, 39-46 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. A program for causing a computer to serve does not belong to a process, a machine, manufacture or composition of matter.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claim 12 is rejected as a single means claim. See MPEP 2164.08 (a).

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 1-7, 27-44 and 33-35 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

8. Claims 1 and 6 limitations “replacing ... the NIT packet with the SIT packet” are unclear, because it is not understood what NIT packet is being replaced, as the previous claim limitation only excludes NIT packets from the designated packets.

9. Claim 7 is a hybrid claim, wherein the parent claims of claim 7 are system claims and the claim 7 is directed to program recording medium. See Ex parte Lyell (17 USPQ2d 1548).

10. Claims 27 and 33 limitations “unnecessary packet for said recording-use transport stream” is unclear, because the specification does not provide criteria regarding necessary and

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unnecessary packets for said recording-use transport stream. It is unclear, if an unnecessary packet is the same as a packet containing unrecord program of claim 1.

Claim Objections

11. Claim 30 is objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim cannot depend on other multiple dependent claim (claim 29). See MPEP § 608.01(n). Accordingly, the claims 30-44 not been further treated on the merits.

Claim Rejections - 35 USC § 103

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claims 10-20, 26, 31, 32, 36, 38, 47 and 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Admitted prior art (current application Fig. 9 and 10, pages 1-11).

14. Regarding claims 10-20, 26, 31, 32, 36, 38, 47 and 48, admitted prior art substantially teaches the limitations of claims 10-20.

A broadcast/reception system and method (Fig. 9 and the conventional art disclosure on pages 1-2) comprising:

Receiving means (receiving section 13 on Fig. 9 and page 3) for a transport stream multiplexing compressed program and program guide information containing NIT, PAT, PMT including SDT

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and EIT (NIT, PAT, PMT including SDT and EIT on page 2 and Fig. 10), producing a transport stream;

PID designating means to select a PID of a packet of predetermined type as a PID replace packet (PID designating section 178 on Fig. 9, designating NIT PID page 4);

Replace PID storing means of storing the packet (NIT PID storing device 23 on Fig. 9 and page 5); and

Packet replacing means capable of replacing all or part of said packet with a packet, which has been produced in advance (SIT packet replacing device 176 on Fig. 9 and page 5, replacing the NIT PID packet with the SIT packet from the SIT storing device 25).

Admitted prior art does not teach implementing the system in a microcomputer, LSI circuit or a computer program, stored on appropriate medium.

Official notice is taken that implementing a system in a microcomputer, LSI circuit or a computer program, stored on appropriate medium are well known in the art.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the Admitted prior art system in a microcomputer, LSI circuit or a computer program, stored on appropriate medium to improve the system flexibility, provided by the software implementation or cost utilizing available microcomputers or custom LSI.

15. In addition, regarding claims 47 and 48,

Admitted prior art substantially teaches the limitations of claims 47 and 48.

Admitted prior art does not teach outputting modified transport stream on predetermined interval information.

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Blatter (US 5,844,478) teaches outputting modified transport stream on predetermined interval information (importance of the proper repetition frequency for Program Specific Information, comprising SIT, in MPEG 1:36-63).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to output modified transport stream on predetermined interval information of Blatter to the system of admitted prior art to improve the system updating the content of programs of the transmitted transport stream.

Allowable Subject Matter

16. Claims 8, 9, 21-25 and 37 allowed.

Conclusion

17. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Magee	US005835493A	MPEG transport stream remultiplexer.
Yoshinari	US006414998B1	Method and apparatus for inserting an image material.
Chen	US005917830A	Splicing compressed packetized digital video steams.
Saejis	US006122123A	Method and apparatus for recording digital information signals.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dmitry Levitan whose telephone number is (571) 272-3093. The examiner can normally be reached on 8:30 to 4:30.

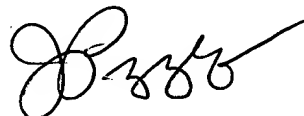
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou can be reached on (571) 272-3088. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Dmitry Levitan
Patent Examiner.
11/22/04



JOHN PEZZLO
PRIMARY EXAMINER